

# COHEN & GREEN

November 1, 2024

**BY ECF**

Hon. Stewart D. Aaron, U.S.M.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Burton, et al v. Bussanich, et al.*, 18 CV 2039 (JLR)(SDA)

Your Honor:

I am co-counsel for Plaintiffs in this medical malpractice and wrongful death action brought against the United States under the Federal Tort Claims Act, and against certain individuals employed by the Bureau of Prisons (the “BOP”) under Bivens. This action arises from the death of Franklin Sanchez, a Colombian citizen who was in BOP custody after being extradited to the United States when he died. On behalf of Plaintiffs, I write to respectfully request an extension of the November 12, 2024 expert discovery deadline for production of initial expert reports to January 20, 2025, with the deadline for all expert discovery extended to March 20, 2025 as set forth below. Defendants consent to this request.

This extension is necessary for the following reasons. The parties concluded fact depositions today with the continued deposition of Plaintiff Magda Acosta. We first must obtain this transcript and provide it to our expert in order for the expert to finalize Plaintiffs’ expert report. Additionally, as noted at ECF No. 171, Defendant Terrance Thomas is reviewing certain portions of his testimony that could not be certified and will provide uncaptured testimony via an errata sheet, which must also be provided to Plaintiffs’ expert before any report is finalized. Additionally, Plaintiffs’ expert will not be able to finalize Plaintiff’s expert report between Thanksgiving and Christmas.

Defendants consent to this request and ask that they retain the same amount of time following Plaintiffs’ expert report for rebuttal reports to February 20, 2025, and expert depositions to be completed by March 20, 2025, as set forth below:

	Current Deadline	Request New Deadline
Expert Reports:	11/12/24	1/20/25
Rebuttal Reports	12/12/24	2/20/25
Expert Depositions:	1/9/25	3/20/25

This is the seventeenth discovery extension requested by the parties. The Defendants consent to this request. Because our expert must have all fact discovery at her disposal before making the Plaintiffs’ expert disclosures, Plaintiffs respectfully request that the Court grant this

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extension as outlined in the attached proposed scheduling order.

Plaintiffs thank the Court for its time and consideration.

Respectfully Submitted,

/S/

Jessica Massimi